

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
-----X  
UNITED STATES OF AMERICA

-against-

MEMORANDUM AND ORDER  
01-CR-1047 (DRH)

MICHAEL SALZMAN,

Defendant.

-----X  
A P P E A R A N C E S:

For the Government:  
Benton J. Campbell  
United States Attorney  
Eastern District of New York  
610 Federal Plaza  
Central Islip, New York 11722-4454  
By: Burton T. Ryan, Jr., A.U.S.A.

For Defendant:  
Howard R. Leader, Esq.  
381 Park Avenue South  
Suite 701  
New York, New York 10016

HURLEY, Senior District Judge

Pending before the Court is an application by defendant Michael Salzman ("defendant" or "Salzman") for an order pursuant to 18 U.S.C. § 3583(e) either (1) terminating his term of supervised release, or (2) eliminating its home confinement condition. Movant reports that his application is not opposed by his Probation Officer Stanley Whetstone. It is opposed, however, by the government.

#### DISCUSSION

Section 3583(e) provides in pertinent part:

The court may, after considering the factors set forth in section 3553(a)(1), (a)(2)(B), (a)(2)(c), (a)(2)(D), (a)(4), (a)(5), (a)(6), and (a)(7)–

(1) terminate a term of supervised release

and discharge the defendant released at any time after the expiration of one year of supervised release, pursuant to the provisions of the Federal Rules of Criminal Procedure relating to the modification of probation, if it is satisfied that such action is warranted by the conduct of the defendant released and the interest of justice.

(18 U.S.C. § 3583(e)(1).)

The Court has reviewed the portions of § 3553(a) referenced in § 3583(e) in conjunction with the application submitted by the defendant. See generally United States v. Lussier, 104 F.3d 32, 34-35 (2d Cir. 1997). Having done so, I decline to grant the requested termination of his supervised release, but grant the alternative relief sought, i.e. the elimination of the one year period of home detention with electronic monitoring essentially for the reasons proffered by defense counsel in his letter of June 11, 2009.

SO ORDERED.

Date: August 3, 2009  
Central Islip, New York

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DENIS R. HURLEY, U.S.D.J.